



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 21, 2004

Date of Meeting: November 3, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson, Arizona, at 2:09 p.m., on Monday, November 3, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Vice Mayor Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor
Kathleen S. Detrick	City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Dana DeLong	City Clerk's Office
Sandra Slate	Recording Secretary
Stephanie Juarez	Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Charles Knapp of Our Mother of Sorrows Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations

Mayor Walkup presented a special citizen copper certificate of appreciation and recognition to Dr. Gray Wilson as a teacher, science researcher, practitioner, and friend.

Dr. Wilson said this was a great honor for him and his family and he would treasure the certificate.

Mayor Walkup recognized guests from Kazakhstan.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 567, dated November 3, 2003, would be received into and made a part of the record. He also announced that this was the time for mayor and council members to report on current events and asked if there were any reports.

Mayor Walkup congratulated the Sunnyside Neighborhood Association. The Sunnyside Neighborhood Association's All American Awards had won the governor's volunteer award for many years. The All American Award recognized young people from throughout the Sunnyside District who had shown resiliency and worked hard on behalf of the neighborhood and community. Governor Napolitano would recognize the Sunnyside Neighborhood Association and all of the All American Award at a reception at the state capital. Manny and Josh Herrera, and Becky and Ben Bennett, who coordinated the efforts for so many years, would receive the award. Mayor Walkup said he had attended the All American Awards ceremony for the last four years, along with Council Members Leal, Ibarra, and others, and it was truly a community effort. He was very proud of the neighborhood and the All American Awards and very proud that were receiving Governor Napolitano's award.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 568, dated November 03, 2003, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events.

A. Rio Nuevo Multi Facilities District

James Keene, city manager, displayed a copy of the check from the state to the Rio Nuevo Multi Facilities District, signed by the governor and Betsy Bayless for approximately \$265,000, a partial month's payment and said he expected to see about \$400,000 a month in this beginning period of the Rio Nuevo District. July is the starting date and he felt very comfortable that the district in the ten-year period would at least be able to match the \$60 million projected. He said that was great news.

B. Tucson Convention Center Events

Mr. Keene said October proved to be an outstanding month for the convention center. Disney on Ice led the way with an attendance of over 29,000 smiling faces and the Southern Arizona Homebuilders Association Home Show attracted nearly 23,000 patrons. Both the symphony and opera were well attended with 13,000 patrons. The hockey season started and there would be a Mexican concert in the exhibition hall, Dorothy the Dinosaur and a chamber concert brought in about 75,000 satisfied and paying customers. There were also non ticketed events, which included the job fair, the health outreach program, Jehovah's Witnesses and a school luncheon conference, a machinists' union meeting and countless other special events that attracted over 15,000 additional people. He said they had about 90,000 visitors and guests at the convention center this past October, which was a significant improvement. He congratulated Rich Singer and Tommy Obermeyer and all of the center's staff.

C. Tucson Arts District

The Tucson Arts District will be announcing and holding their open studio tour on Saturday, November 15 and Sunday, November 16, 2003. The tour would include four dozen locations and nearly 100 artists. Tickets for the self-guided tours would be \$5. A special art bus tour and mixer had been scheduled on Saturday, November 15, from the Hotel Congress.

D. TFD Recognition

Mr. Keene said it was with a great deal of pride that he recognized Tucson Fire Department Deputy Chief Randy Ogden, who was chosen from many applicants and named "Fire and Life Safety Educator of the Year" by the Arizona Fire and Burn Educators Association. Chief Ogden developed and was instrumental in the passage of local and county legislation requiring the installation of pool safety barriers around residential swimming pools and spas. He was instrumental in the development and passage of the first bicycle safety legislation in the state of Arizona. He developed and still directs the Tucson Safe Kids Program, which was the lead organization in the development of the National Safe Kids Coalition. There are currently more than 200 coalitions in the United States including all 50 states. A couple of years ago when Chief Ogden was inducted into the Arizona Firefighters Hall of Fame as a charter member, former surgeon general C. Everett Koop (ph), in a letter commending Chief Ogden and his work said: "Randy is one of the finest representatives of the new modern fire service. Along with his lifesaving work as a firefighter, battalion chief, and deputy chief he exemplifies the finest attributes of the broader agenda firefighters are asked to fulfill with a heavy emphasis on prevention." Mr. Keene congratulated Chief Ogden on a job well done.

Chief Ogden said he was fortunate that in his professional career he grew up working for an organization that had great staff and great people to work with. He was able to accomplish quite a bit through dedicated staff and through a mayor and council that will allow the department to do programs like the helmet program, the car seat program and the drowning prevention program.

Mr. Keene said that was all he had to report.

Mayor Walkup said that before continuing with the meeting, there was something he wanted to announce on behalf of the city. He said that last night an extraordinary event was held at La Paloma. About a year ago, a group came to his office with the suggestion to allow the city's artists to participate in a program to benefit the non-profit organizations in the community by painting ponies as other cities had done with cows and other things. He told the group that he could not imagine that it would work for Tucson, but a group of arts and culture advocates told him it would, so they moved ahead. Thirty-five ponies were carefully painted by artists from around the community and they were auctioned at the event, raising \$496,000. The highest bid was \$80,000 for a single pony for the Habitat for Humanity. A number were auctioned for \$30,000, \$20,000, \$25,000, \$15,000, and \$10,000. It was an amazing evening. Not only did the non-profit organizations in the community benefit; the Tucson-Pima Arts Council received some one hundred and fifty thousand plus from the auctioning of the ponies. It was the most extraordinary event people could remember raising that much money at a single event raising for non-profit organizations in the city and a roaring success. Some people bought several ponies. He reiterated that it was a roaring success, at least 35 non-profit organizations are very happy today and some of the local artists received national recognition for their efforts as many of those ponies will be leaving the community and going to other places around the country. He congratulated the art community for a job well done.

5. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue that was not on the agenda. He asked speakers to limit their comments to three-minutes and advised that there would also be a call to the audience at the end of the meeting. He said he had received one written request to speak and called on that person.

A. Mayor's 10K Fitness Challenge

Bill Katzel, said on November 2, 2003, fourteen people gathered at Children's Memorial Park to complete the exercise portion of the mayor's fitness challenge for this year with a 10K walk. It was a perfect day for 6.2-mile stroll in the park. Under the outstanding leadership of Anne Marie Medina the participants all finished the course and posed for a group picture, receiving special medals at the finish line for their efforts. He presented the mayor with copies of the 10K group pictures and an honorary medallion for establishing a program that truly had contributed to the health of the community. Through the implementation efforts of five dedicated people, Anne Marie, Tim Love, Judy and Lynn, it had been a highly successful program and a healthy behavioral modification initiative for hundreds of Tucsonans. It had added walking to his bicycling exercise routine and he would be forever indebted to those founders and participants who had contributed to the improvement of his health. He invited everyone to the Wednesday, November 5, 2003, final mayor's fitness challenge seminar for this year at the University of Arizona's Integrated Learning Center Auditorium where they would wrap up the informational portion of the challenge and prepare for the second challenge scheduled to be held in January, 2004. He wished all of the walkers that were continuing on to the half and full marathon next month good luck.

Mayor Walkup asked if anyone else wished to address the council. There was no one. He said Mr. Katzel was right in that everyone was in training for the marathon and half marathon that will be held in December. Many thousands will do at least the half marathon walk, which is 13.1 miles, a long stroll in the park.

6. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items by letter and title only, without objection.

A. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR TUCSON–PIMA PUBLIC LIBRARY IMPROVEMENTS

- (1) Report from City Manager NOV3-03-565 CITY-WIDE
- (2) Resolution No. 19710 relating to the library; approving and authorizing the Grant-In-Aid Application and Conditions of Award for the Arizona State Library, Archives, and Public Records, in the amount of \$25,000; and declaring an emergency.

B. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR TUCSON–PIMA PUBLIC LIBRARY STAFF JOB SKILL TRAINING AND CONTINUED EDUCATION

- (1) Report from City Manager NOV3-03-566 CITY-WIDE
- (2) Resolution No. 19711 relating to the library; approving and authorizing the Grant-In-Aid Application and Conditions of Award for the Arizona State Library, Archives, and Public Records, in the amount of \$27,753; and declaring an emergency.

* C. FINANCE: CONTINGENCY FUND TRANSFER FOR OPERATION EXODUS

- (1) Report from City Manager NOV3-03-563 CITY-WIDE
- (2) Resolution No. 19712 relating to finance; approving and authorizing the transfer of Two Hundred Dollars (\$200.00) from the Contingency Fund to Organization 001-183-1838-268, for Operation Exodus; and declaring an emergency.

D. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO COMPETITIVE TELECOMMUNICATIONS

- (1) Report from City Manager NOV3-03-569 CITY-WIDE

*See page 7

- (2) Ordinance No. 9909 relating to competitive telecommunications; providing an exemption from Chapter 7B of the Tucson Code for any wireline telecommunications operator continuously operating in Tucson under a claim of territorial franchise; providing that no person shall have a claim of vested rights under any exemption in Chapter 7B of the Tucson Code; amending the Tucson Code by adding new Tucson Code Sections 7B-37 and 7B-38; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE YOUTH OPPORTUNITY PROGRAM
- (1) Report from City Manager NOV3-03-572 CITY-WIDE
 - (2) Resolution No. 19713 relating to Community Services; authorizing and approving the execution of an Intergovernmental Agreement Contract Amendment between the City of Tucson and Pima County for a one-year extension of the Youth Opportunity Program; and declaring an emergency.
- F. ECONOMIC DEVELOPMENT: ESTABLISHMENT OF THE TUCSON PIMA ENTERPRISE ZONE AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY, THE CITY OF SOUTH TUCSON, AND THE TOWNS OF MARANA AND SAHUARITA (Continued from Meeting of 10/27/03)
- (1) Report from City Manager NOV3-03-571 CITY-WIDE AND OUTSIDE CITY
 - (2) Resolution No. 19708 relating to Economic Development; establishing an Enterprise Zone Commission; designating the boundaries of a proposed zone; authorizing the Commission and the Zone Administrator to submit an Enterprise Zone Application; and declaring an emergency.
 - (3) Resolution No. 19709 relating to Economic Development; approving and authorizing execution of an Intergovernmental Agreement with Pima County, the City of South Tucson, and the towns of Marana and Sahuarita; providing for the establishment of an Enterprise Zone Commission; and declaring an emergency.
- G. ASSURANCE AGREEMENT: (S02-050) FOR JULIAN RANCH WEST SUBDIVISION, LOTS 1 TO 369 AND COMMON AREAS "A" AND "B"
- (1) Report from City Manager NOV3-03-573 W5
 - (2) Resolution No. 19714 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-050, of a final plat for the Julian Ranch West Subdivision, Lots 1 to 369 and Common Areas "A" and "B"; and declaring an emergency.
- H. FINAL PLAT: (S02-050) FOR JULIAN RANCH WEST SUBDIVISION, LOTS 1 TO 369 AND COMMON AREAS "A" AND "B"

- (1) Report from City Manager NOV3-03-574 W5
- (2) The City Manager recommends that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Dunbar, that consent agenda items A through H, with the exception of item C, be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Consent agenda items A through H, with the exception of item C, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEM C

C. FINANCE: CONTINGENCY FUND TRANSFER FOR OPERATION EXODUS

Resolution No. 19712

Relating to finance; approving and authorizing the transfer of Two Hundred Dollars (\$200.00) from the Contingency Fund to Organization 001-183-1838-268, for Operation Exodus; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Vice Mayor Scott said she wanted to add \$200 from her contingency fund for Operation Exodus.

It was moved by Vice Mayor Scott, seconded by Council Member Leal, to pass an adopt resolution no. 19712, for a total amount of \$400.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution no. 19712 was declared passed and adopted by a roll call vote of 7 to 0.

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 564, dated November 13, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) New License(s)

(1)	FRONIMO'S GREEK CAFE 3242 E. Speedway Blvd. Applicant: Tracy W. Fronimakis City #078-03, located in Ward 6 Series 12 Action must be taken by: November 17, 2003 Public Opinion: Support Filed	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Person Transfer

*	(2)	COCONUT-AN ISLAND BAR 296 N. Stone Avenue Applicant: H. J. Lewkowitz City #081-03, located in Ward 6 Series 6 Action must be taken by: November 29, 2003 Public Opinion: Protests Filed	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Kathleen S. Detrick, city clerk, announced that protests had been filed against the Coconut-An Island Bar, so it should be considered separately.

It was moved by Council Member Ronstadt, seconded by Council Member Dunbar, and carried by a voice vote of 7 to 0, to forward liquor license application 7b(1) Fronimo's Greek Café to the state department of liquor licenses and control with a recommendation of approval.

7. LIQUOR LICENSE APPLICATION(S) - (b)(2)

Person Transfer

*	(2)	COCONUT-AN ISLAND BAR 296 N. Stone Avenue Applicant: H. J. Lewkowitz City #081-03, located in Ward 6 Series 6	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Action must be taken by: November 29, 2003
Public Opinion: Protests Filed

Kathleen S. Detrick, city clerk, announced that application 7b(2) Coconut-An Island Bar, had a staff recommendation for approval, however, a protest had been filed. The protestor had not checked in, but the applicant was present. The restaurant is located in ward six.

Mayor Walkup asked the council's pleasure.

Council Member Ronstadt asked if the protester was present. There was no response. He said the subject location was before the mayor and council with a different applicant about a year ago and at that point, investigation was going on both locally and by the state liquor board. He believed the council had forwarded a recommendation of denial contingent upon the completion of those investigations. Since the application is for a person to person transfer, the council could only consider the applicant's capability, qualifications, and reliability, which has been reported to be in compliance with the police department and other city departments that evaluate the license.

It was moved by Council Member Ronstadt, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to forward liquor license application 7b(2) Coconut-An Island Bar to the state department of liquor licenses and control with a recommendation for approval.

8. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 570, dated November 3, 2003, would be received into and made a part of the record. He asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Vice Mayor Scott, and carried by a voice vote of 7 to 0, that Ronnie J. Mack be appointed to the Committee of Massage Examiners.

9. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue. Speakers would be limited to three-minute presentations. He asked if anyone wished to address the council. There was no one.

10. ADJOURNMENT: 2:35 p.m.

Mayor Walkup reminded every one that November 4, 2003, was Election Day. He announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, November 10, 2003, at 7:30 p.m. in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 3^d day of November, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:mjv
pr agnst tp:sac